

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing requested amendments and in view of the reasons that follow. Applicant respectfully submits that entry of the requested amendments would place the application in condition for allowance. Alternatively, entry of the requested amendments would place the application in better form for consideration on appeal.

The title stands objected to as being non-descriptive. Claims 7-9, 11, 19-21, 23 and 27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0039424 to Watanuki in view of U.S. Patent Application Publication No. 2004/0204155 to Nassimi. Claims 12, 24 and 26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Watanuki in view of U.S. Patent No. 6,018,232 to Nelson et al. (hereinafter “Nelson”) and Nassimi. Claims 10 and 22 stand objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form.

By this amendment, the title has been amended to be more clearly indicative of the invention to which the claims are directed. Applicant respectfully submits that the title is in proper form and respectfully requests withdrawal of the objection. Claims 10, 12, 22, 24 and 26 have been canceled without prejudice to or disclaimer of the subject matter contained therein. Therefore any outstanding rejections with respect to these claims have been rendered moot. Claims 7, 19 and 27 have been amended to further define the subject matter Applicant regards as the invention as discussed in greater detail below. Claims 8, 9, 11, 20, 21 and 23 remain unchanged in the application.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier. After amending the claims as set forth above, claims 7-9, 11, 19-21, 23 and 27 are now pending in this application for consideration.

THE CLAIMS DISTINGUISH OVER THE CITED REFERENCES

Claims 7-9, 11, 19-21, 23 and 27 stand rejected as being unpatentable over the combination of Watanuki and Nassimi and claims 12, 24 and 26 stand rejected as being unpatentable over the combination of Watanuki, Nelson and Nassimi. Applicant gratefully acknowledges the Office Action's indication that claims 10 and 22 contain allowable subject matter. Although Applicant respectfully submits that the invention which is the subject matter of the rejected claims may be patentable over the cited references, Applicant at this time intends to pursue patent protection for the allowable subject matter.

As such, independent claims 7 and 19 have been amended to incorporate the allowable subject matter of canceled claims 10 and 22, respectively. Thus, independent claims 7 and 19 are allowable. Independent claim 27 is substantially similar in scope to independent claims 7 and 19 in the form of a method claim. Independent claim 27 has been amended to incorporate the same patentable feature recited in amended independent claims 7 and 19. Thus, for substantially the same reason set forth above with respect to independent claims 7 and 19, amended independent claim 27 is allowable as well.

The cancellation of claims 10, 12, 22, 24 and 26 and the amendments to claims 7, 19 and 27 are not meant to concede to the appropriateness of the rejection of any of these claims, but merely to expedite prosecution of the patent application. Therefore, Applicant submits that independent claims 7, 19 and 27 and claims dependent directly or indirectly therefrom, namely claims 8, 9, 11, 20, 21 and 23 are allowable as well. Further remarks regarding the asserted relationship between any of the claims and the cited references are not necessary in view of their allowability. Applicant's silence as to the Office Action's comments is not indicative of being in acquiescence to the stated grounds of rejection.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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